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Situation of human rights in Iraq

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Iraq, prepared by Andreas Mavrommatis, Special Rapporteur of the Commission on Human Rights, in accordance with paragraph 4 of Commission resolution 2000/17 of 18 April 2000 and Economic and Social Council decision 2000/250.

* A/55/150.
** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 14 August 2000 so as to include as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq

I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq is contained in Commission resolution 1991/74 of 6 March 1991 and was extended most recently by Commission resolution 2000/17 of 18 April 2000. This report is submitted in accordance with paragraph 4 (a) of resolution 2000/17 and within the terms of reference of General Assembly resolution 54/178.

2. It was the intention of the Special Rapporteur to begin his activities by visiting Iraq so as to be able to study the situation of human rights in situ before consulting other sources of information. At the time of writing the Government of Iraq had not yet extended the Special Rapporteur an invitation to visit the country. Pending a reply to the request to visit Iraq and in view of the aforementioned, actual consideration of allegations of human rights violations could not start before May 2000. This forced the Special Rapporteur to plan, within a short period of time, a number of trips to other countries, such as Jordan, the Islamic Republic of Iran, Kuwait and the United Kingdom of Great Britain and Northern Ireland in order to discharge his mandate. Some of these visits did not materialize, owing mainly to time constraints. The new deadline for the submission of the present report to the General Assembly prevented the Special Rapporteur from completing his programme of engagements.

3. The Special Rapporteur deemed it essential to provide the Government of Iraq with the opportunity to comment on the allegations of human rights violations brought to his attention. To this effect, pending a reply to the request to be granted permission to visit Iraq the Special Rapporteur held a series of formal and informal meetings with representatives of the Government of Iraq in Geneva and submitted questions in writing to the Government.

4. During the last working meeting, held on 16 July 2000, the representatives of Iraq made general observations and gave oral replies concerning a number of alleged violations of human rights which had earlier been communicated to the Government through its Permanent Mission at Geneva. The representatives of the Government of Iraq reserved the right to submit written replies at a later stage. When discussing specific allegations of, inter alia, violations, the necessity of a visit to the country in order to verify the truthfulness of the accounts received was obvious to the Special Rapporteur, as it must also have been to his Iraqi interlocutors.

II. Methodology

5. The present interim report covers the period from 20 September 1999 to 20 June 2000 and is to be read in conjunction with the report of the Special Rapporteur to the Commission on Human Rights (E/CN.4/2000/37).

6. In view of the fact that past human rights violations were reported and analysed by the previous Special Rapporteur and examined by both the Commission and the General Assembly, the present report focuses on serious and large-scale violations of human rights that have allegedly occurred during the reporting period and on past violations with continuing effects, with a view to coming to conclusions as to whether the situation of human rights in Iraq remains the same or whether there has been any improvement or deterioration.

7. The Special Rapporteur travelled to Kuwait from 29 June to 3 July and to London from 11 to 15 July. During these missions, as well as whenever an opportunity presented itself, such as during the fifty-sixth session of the Commission on Human Rights and the seventh annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, the Special Rapporteur interviewed men and women who had recently fled from Iraq and members of the organized opposition groups.

8. The Special Rapporteur received a number of written allegations as well as reports and information on the situation of human rights in Iraq from a variety of sources, including individuals, Iraqi opposition groups, Governments, and United Nations agencies and programmes.

9. In considering allegations of violations of human rights by the Government of Iraq, the Special Rapporteur requested such details and other corroborative evidence as would not only permit proper evaluation, but also, when transmitted to the Government of Iraq, preclude a general or evasive reply. In line with the aforesaid modus operandi, conclusions concerning allegations that were not supported by the necessary details will have to be drawn at a later stage, pending the receipt of the necessary additional facts from the alleged victims and/or his/her representative(s) and the replies, if any, from the Government of Iraq.

10. Another difficulty connected with the verification of the allegations received by the Special Rapporteur is the fact that in the vast majority of cases they were submitted by Iraqis who had sought refuge outside Iraq and who did not want names and other details that might reveal their identity to be given to the Government of Iraq because of fear of reprisals against their families.

11. At the time of writing the present report, the Government of Iraq had provided incomplete replies to a small number of cases while no replies were provided to most of the specific allegations submitted by the Special Rapporteur. It must be said that the deadline established for reply, which for reasons explained in the introduction had to be rather brief, had not or had just elapsed. During the last working meeting, the Special Rapporteur was reassured that the Government of Iraq would give due consideration to the information received.

III. Findings

A. Right to life

12. It appears that executions continued unabated during the period covered by the report. The Special Rapporteur received information that on 3 February 2000, 21 male prisoners were executed at Abu Gharib prison. Allegedly, 43 other male prisoners were executed at the same location on 12 February 2000, of whom 30 were accused of theft, 2 of drug trafficking and 11 of affiliation with the political opposition. Allegedly, the remains of the executed political offenders were buried at an unknown location in Baghdad. According to the same source, on 9 March 2000, 58 male prisoners who had been held in solitary confinement at Abu Gharib prison were executed. The bodies of 44 prisoners who had been charged with "criminal offences" were handed over to their families, while the bodies of 14 political prisoners were buried during the night. Reportedly, many of these prisoners were originally detained for opposition to the ruling party, but were later convicted of criminal charges and sentenced to death.

13. Unfortunately, the information supplied to the Special Rapporteur was not always detailed enough to enable him to draw conclusions as to whether the reported executions violated Iraq's international obligations under articles 6 and 14 of the International Covenant on Civil and Political Rights, which provide respectively for the limitation of the death sentence to the most serious crimes and for the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.

14. The names of the prisoners allegedly executed, the date of the alleged execution and a general description of the crimes, were submitted to the Government on 22 May 2000 with a request for clarification and details, including the relevant part of the record of the legal proceedings and whether convictions and sentences were reviewed on appeal. Furthermore, the Special Rapporteur asked for information on the whereabouts of the mortal remains of those whose bodies allegedly were not handed over to the families. The Government of Iraq has not as yet provided replies to these cases, explaining that the task was complicated and time consuming and insufficient time was given to respond in writing.

15. During the last meeting with the Permanent Representative of Iraq, the Special Rapporteur requested the Government of Iraq to supply him with the text of the criminal code, as well as any other law or regulation that provides for the death penalty, and the text of the criminal procedure law. The request was made with a view to engaging the Government in a dialogue on the possibility of at least reducing the numbers of crimes that carry the death penalty and ensuring the fairness of criminal trials.

16. It appears from information received by several sources that during the reporting period the Government of Iraq was allegedly involved in staged car accidents resulting in the deaths of prominent religious or other local leaders and/or members of their

families, as well as of members of the regime and individuals suspected of belonging to the opposition. Some of these incidents led to riots resulting in further loss of life. Many of these incidents followed threats and intimidation of the victims in connection with their political or religious activities. It appears that these allegations were not properly or at all investigated by the Government, whose reply to these allegations is still pending.

17. One such case was the case of the killing of Ayatollah Sadeq al-Sadr and his two sons on 19 February 1999. According to information received, during a peaceful demonstration that followed the events described above, security forces fired into the crowd of protesters allegedly killing hundreds civilians, including women and children. This allegation was brought to the attention of the Government which promised to provide the Special Rapporteur with a detailed reply in the very near future. More recent information, not as yet transmitted to the Government, referred to 30 theology students arrested following the events having been very recently executed. No names were given, however.

18. The Special Rapporteur also received information that government forces were involved in sometimes lethal attacks against the lives of men and women suspected of belonging to the opposition or against members of their families. Such attacks were blamed by the authorities on criminal gangs. The Special Rapporteur met with an Iraqi citizen who testified on condition of anonymity that he had been shot at 12 times by the security forces without any warning and left for dead in the street. In another instance the mother of a prominent member of the opposition living outside Iraq was found shot dead following threats and after being arrested and obliged to call her son and ask him to stop his political activities abroad.

19. The Government of Iraq does not deny that numerous executions were carried out in the reporting period, but alleges that these were necessitated by the extraordinarily dangerous situation, the upsurge of crime and the considerable number of subversive acts.

20. The Special Rapporteur did receive certain information from several sources regarding continued attacks against Iraqi security forces and government officials, sometimes resulting in the deaths of the targeted individuals. However, the Special Rapporteur is of the opinion that Iraq continues to be in violation of its obligations under the International Covenant on Civil and Political Rights, if only because of the sheer number of executions that are taking place and what appear to be extrajudicial executions on political grounds and in the absence of a due process of law.

21. Also connected with the right to life are cases of disappearances. Although the Special Rapporteur did not receive specific allegations regarding recent disappearances, there have not yet been replies in respect of past cases. The Special Rapporteur related to the Government the case of 106 students of religion in al-Najaf who were detained for a short period of time after the arrest of Ayatollah Abu al-Quassem al-Kho'i on 20 March 1991 and whose whereabouts are still unknown. Another case of disappearance which was brought to the attention of the Special Rapporteur was that of two brothers who were arrested in 1982 during a campaign of expulsion of Iraqi citizens of Iranian origin to the Islamic Republic of Iran. The two brothers were last seen in prison in 1985.

22. With regard to both the above-mentioned cases, the Special Rapporteur requested the Government to make inquiries into the whereabouts of the disappeared and, in case they are detained, to communicate the charges against them and the current status of the legal proceedings, if any.

23. The Special Rapporteur awaits the detailed replies of the Government on these allegations and shall revert to them, as well as to other violations in respect of which replies are pending, in his next report to the Commission on Human Rights.

B. Arbitrary arrest and detention and due process of law

24. From testimonies and accounts related to the Special Rapporteur, it appears that the Government of Iraq continues not to respect its obligations under articles 9 and 14 of the International Covenant on Civil and Political Rights. Men, women and minors continue to be arrested and detained on suspicion of political or religious activities, or simply because of family ties with members of the opposition. Allegedly, men and women continue to be detained for long periods of time without charges being brought against them and without having access to a lawyer. The families of the arrested are not always informed of their whereabouts and of the status of legal proceedings against them.

Young children are allegedly detained with their mothers.

25. There is also information to the effect that trials are not public and defence attorneys are either not present or are nominated pro forma but do not take any effective action during the proceedings. The Special Rapporteur was told of a case where the defendant was told that if he remained silent during the trial he would be acquitted; this individual was tried after being released from six months' detention, on charges that had nothing to do with the matters about which he had been repeatedly questioned. In another instance the defendant was allegedly sentenced to death in absentia. Sentences pronounced by Revolutionary Courts appear not to be subject to appeal or review.

26. The Special Rapporteur intends to study this subject further, including by reviewing the criminal and civil procedure codes and other laws that the Government promised to make available and by continuing to interview victims and witnesses. The Special Rapporteur shall revert to this issue in the next report to the Commission on Human Rights.

C. Torture and ill-treatment

27. It appears that torture and ill-treatment of men and women continue to occur in Iraq. The Special Rapporteur received information to the effect that suspects, including members of the opposition and their collaborators and/or relatives, are subjected to ill-treatment and torture during questioning and in detention by members of the Iraqi forces and intelligence service. Means of torture allegedly include electric shocks, suspension by the hands, beatings, rape and sexual abuse of both men and women, threats and psychological pressure.

28. Prison conditions appear to be grave. Allegedly private houses as well as public building are used as detention facilities. Prisons, especially in Baghdad, are seriously overcrowded and prisoners are reportedly regularly beaten and, in the case of female detainees, raped. Juvenile offenders are kept together with adults. The Special Rapporteur was informed that in two different detention facilities in Baghdad prisoners are kept locked in metal boxes as big as coffins which are opened only 30 minutes a day.

29. None of the individuals who were victims of such treatment and who were interviewed by the Special Rapporteur agreed to have their names and cases related to the Government for investigation and clarification because of fear of retaliation. The Special Rapporteur shall seek more information on the above and revert to this issue in the next report to the Commission on Human Rights. It is also to be hoped that by visiting Iraq, and also by receiving complete and reasoned replies from its Government on each case, the Special Rapporteur would be able to arrive at appropriate conclusions, which the Special Rapporteur may have to do even in the absence of such full cooperation.

D. The fate of Kuwaitis unaccounted for since Iraq's occupation of Kuwait

30. The Special Rapporteur, accompanied by a staff member from the Office of the High Commissioner for Human Rights and an interpreter, visited Kuwait from 29 June to 3 July 2000. The visit followed a series of meetings held in Geneva with the Permanent Representative of Kuwait and other Kuwaiti government officials, as well as with officers of the International Committee of the Red Cross, that had as their main objective the examination of the situation of Kuwaiti prisoners of war and detainees still unaccounted for, in accordance with the terms of Commission resolution 1992/71 and subsequent relevant resolutions.

31. The Government of Kuwait extended to the Special Rapporteur and his team its full cooperation, including absolute freedom to visit any prisons and/or detention centres they might wish to have access to.

32. The Special Rapporteur met with the families of some of the Kuwaiti prisoners of war and detainees still unaccounted for, the Chairman of the National Assembly, the First Deputy Prime Minister and Minister for Foreign Affairs, the Deputy Prime Minister and Minister of Defence, the Minister of the Interior, members of the Parliamentary Human Rights Committee, members of the National Committee for the Missing and Prisoners of War Affairs, the Director and other members of the Centre for Research and Studies of Kuwait, the Director and members of the Kuwait Martyrs Bureau, the President of the Kuwaiti Red Crescent Society, and others.

33. During the above-mentioned meetings it was repeatedly stressed that the Tripartite Commission and its Technical Subcommittee were the most effective mechanism to deal with the issue of Kuwaiti prisoners of war still unaccounted for, provided that there existed the necessary political will on the part of all parties concerned. The Special Rapporteur believes that his task is to do everything possible to assist these bodies in discharging their mandate and he made this clear to all concerned. It should be recalled that the Tripartite Commission was created in March 1991, pursuant to Security Council resolutions 686 (1991) and 687 (1991).

34. The Special Rapporteur, together with members of the National Committee for the Missing and Prisoners of War Affairs, went through some of the 605 individual files compiled by the Committee. A wrap-up session was later held in Geneva. This exercise was undertaken with a view to drawing conclusions as to whether sufficient data are included in the files to permit deductions or call for further investigations.

35. It is worth noting that the Government of Kuwait has devoted extraordinary efforts and resources to the cause of its prisoners of war and detainees still unaccounted for and has done everything in its power to alleviate the suffering of their families by relentlessly pursuing the investigation of their fate and/or whereabouts and by fully cooperating with its counterparts, within the international framework and on a bilateral basis.

36. It is the opinion of the Special Rapporteur that enough material was produced to support the Kuwaiti claim that the Government of Iraq is in a position to clarify the fate and/or whereabouts of Kuwaitis unaccounted for.

37. The Special Rapporteur related his views and findings to the Government of Iraq during the meeting held on 16 July. It was stressed that the Government of Iraq, as a consequence of the bombing, does not intend to participate in the meetings of the mechanisms chaired by ICRC as long as the United Kingdom of Great Britain and Northern Ireland and the United States of America also take part. However, it was also stated that Iraq is willing to extend its cooperation to ICRC and to have bilateral meetings with representatives of Kuwait.

38. During the meeting, the Special Rapporteur expressed the view that an unjustifiably long time had elapsed since the files were submitted to the Government of Iraq and that general replies, which ended normally with the claim that the Kuwaiti prisoners of war had last been seen in south Iraq at the time of the uprising, could not be considered satisfactory and that an effort should be made to investigate the events during and immediately after the end of the uprising and to give more complete answers. The Special Rapporteur also stressed that the testimonies alleging that Kuwaiti prisoners of war had been seen after the uprising in places other than the south should not be dismissed with sweeping statements that the witnesses are lying, but investigations of the records of the alleged places of detentions, as well as interviews with personnel of the detention centres at the time when the prisoners of war were allegedly seen, should be carried out and the results made available.

39. The Special Rapporteur is of the opinion that the question of the missing Kuwaitis and Kuwaiti prisoners of war and detainees is a purely humanitarian question and that no reason, political or other, could justify delaying or obstructing the task of the Tripartite Commission and its Technical Subcommittee. What appears to be lacking is the necessary political will on the part of the Iraqi authorities to participate in the work and to examine speedily and effectively each and every case before the Commission.

40. It should be noted that the Security Council, in its resolution 1284 (1999), reiterated the obligation of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of resolution 687 (1991), to extend all necessary cooperation to the International Committee of the Red Cross, and called upon the Government of Iraq to resume cooperation with the Tripartite Commission and Technical Subcommittee established to facilitate work on this issue.

E. The fate of the Iraqis unaccounted for since Iraq's invasion of Kuwait

41. The Government of Iraq alleges that there are 1,250 missing Iraqi citizens in respect of whom there exists evidence to the effect that they were seen alive in Kuwait after the war had ended. The Government of

Kuwait dismissed these allegations as "mere afterthoughts".

42. The Special Rapporteur asked the representatives of Iraq to provide him with more detailed information and evidence supporting this claim. The Special Rapporteur proposes to make such information available to the Government of Kuwait, which stressed that the Special Rapporteur would be guaranteed access to any place of detention in the country at any time without any restrictions.

43. It appears that the Government of Kuwait has officially received, through ICRC, a total of 660 files, 592 of which were to be considered under the second stage.

F. Harassment and threats against Iraqi opposition members and members of their families

44. The most disturbing of the recent complaints related to the Special Rapporteur concerns harassment, intimidation and threats against the families of Iraqi opposition members residing abroad to induce them to stop their activities. Although this practice existed in the past, as previous reports indicated, it allegedly has become much more prevalent. Allegations include the rounding-up and arrest of family members, as well as attempts by officials of the security forces to extort money from the families in exchange for putting an end to harassment and helping them to flee the country.

45. A case that illustrates the above-mentioned allegations is that of General Njeeb Alsalhi, a senior officer in the Iraqi Army who left the country in 1995 and now resides in Jordan where he is an active member of the Iraqi opposition. Since he left Iraq, his male and female relatives in Iraq have been subjected to arrests, questioning and other forms of harassment. His brother was forced to travel twice to Jordan to try and persuade him to return to Iraq. General Alsalhi reported that on 7 June 2000 he received a telephone call from Baghdad and was told to go and collect a "gift" from a store in Amman. This consisted of a video tape showing the rape of a female family member. Ten days later he reportedly received a call from the Iraqi Intelligence Service. He was asked if he had received the gift and was told that one of his female family members was in the hands of Iraqi Intelligence. He was then again urged to stop his activities. General Alsalhi, during an interview with the Special Rapporteur, stated that he is willing to surrender the video tape only at the trial of a top Iraqi government official. The case was brought to the attention of the Government which denied the allegations and promised a formal reply later.

46. During the visit to London the Special Rapporteur was told of other cases of a similar nature where the video taped rape of a female family member was used to take advantage of the stigma which is attached to sexual molestation in Iraqi traditional society to silence members of the opposition. This means of intimidation is reportedly very effective as such incidents are normally not reported for fear of negative repercussions on the victim and her family. Rape is considered a dishonour affecting the whole family and, in extreme cases, the victim might be killed by the family itself in order to wipe out the stigma.

47. The Special Rapporteur is also very concerned about what appears to be a practice of targeting the families of those opposing or suspected of opposing the regime. The Special Rapporteur interviewed Iraqi women who reported that after their husbands or male relatives were arrested, or executed, or went into hiding out of fear of persecution, they experienced several forms of abuse and intimidation, ranging from the withdrawal of the ration card through which medicines and food are made available to the population, to cuts in electric power supplies, to expropriation of property, frequent house searches and questioning, arrest and threats. Women and children are affected the most by these practices.

48. These allegations were brought for the first time to the attention of the Government of Iraq on 16 July, immediately after the Special Rapporteur's visit to London. The seriousness of the allegations was stressed as well as the necessity for complete and well-documented replies and thorough investigation of the claims. Again, pending the Government's reaction, the Special Rapporteur cannot but express his concern and reiterate his call to the Government to take stern measures to put an end to such occurrences which violate not only the freedom of expression and opinion as established in article 19 of the International Covenant on Civil and Political Rights, but also often entail the most serious forms of the universal crime of torture.

G. Mass relocations and relocation of non-Arabs and Arabization of areas from which they are expelled

49. The former Special Rapporteur, Max van der Stoel, reported in detail on instances of forced relocations of non-Arabs and Arabization of certain areas of Iraq. Therefore, the task of the Special Rapporteur was to see whether and to what extent such practice continued. During the Special Rapporteur's mission to London such allegations were made by leaders of all political groups of the northern Kurdish governorates, which are not under the control of the Government of Iraq, as well as by a variety of other sources.

50. Allegations refer to the fact that non-Arab residents of the Kirkuk area — especially Kurds, Turkomen and Assyrians — are driven from their homes by the Government through the use of different means. On the one hand, the policy of "Arabization" is reported to be continuing and the Government reportedly maintains in force measures to that effect, such as the provision of grants and other incentives to Arabs to move to the Kirkuk area and legal impediments to the possession and transfer of property by non-Arabs. On the other hand, forced deportations of non-Arab families living in the Kirkuk area and confiscation of their property are also reported to continue on a large scale. Allegedly, those who refused to comply with the order to leave their homes are subjected to intimidation, arrest, economic hardship through the revocation of ration cards and, eventually, forced expulsion. Allegedly, no compensation is provided for the loss of property. The allegations are serious and the following figures were provided in respect of the number of families forced to leave the area: 13,367 families from 1991 to 1993; 112 in 1994; 395 in 1995; 282 in 1996; 710 in 1997; 394 in 1998; 449 in 1999; and 155 in 2000 (as of 4 June). The total number of individuals who were forced to leave Kirkuk since 1991 reportedly amounts to 94,026.

51. The Special Rapporteur asked those alleging the above to supply him with a list of the families who left the Kirkuk area, containing names, addresses, circumstances and date of departure from Kirkuk, copy or mention of any legal documents invoked or served on them, and information on circumstances connected with their relocation, as well as information as to who moved into their abandoned residences.

52. The above allegations were related to the representative of the Government of Iraq during the of 16 July meeting. The seriousness of the allegations was stressed. The representative of the Government of Iraq denied the allegations and pointed to the huge number of Kurds and non-Arabs remaining in Government-controlled areas. The representative of Iraq asked for details so as to be able to reply in respect of each case. The Special Rapporteur will forward such details as soon as they are received.

H. Political rights

53. Allegations and information regarding violations related under the preceding sections of the report also cover serious allegations of violations of political rights through systematic repression taking the form of intimidation, arrest, torture and even death. The Special Rapporteur shall deal more extensively with political rights and shall also deal with the need to introduce such constitutional and other changes as would be consistent with Iraq's obligations under the International Covenant on Civil and Political Rights.

54. It should be noted that Iraq did attempt to deal with this issue by establishing the necessary processes before the Gulf war. It is now high time they deal seriously with this problem again.

I. Humanitarian issues

55. The Special Rapporteur has felt from the beginning that, although humanitarian issues are not strictu sensu within his mandate, they could not be brushed aside or ignored when dealing with violations of not only the right to life, but also of rights under the International Covenant on Economic, Social and Cultural Rights. The Special Rapporteur also wishes to stress that the relevant Security Council resolutions are binding on the Government of Iraq, as well as on all other countries, and should be implemented.

56. As a result, the Special Rapporteur held a series of meetings in New York with members of the Security Council, as well as with the Executive Director of the Iraq Programme, the Secretary-General of the United Nations, and heads of departments dealing with humanitarian issues. The contacts with the members of the Security Council and other Governments were continued, in particular with the representatives of the

Governments of Iraq, France, Kuwait, the United States of America and the United Kingdom.

57. The Special Rapporteur has also been closely following developments in this field through the periodic reports of the Secretary-General to the Security Council, as well as through reports of United Nations bodies and specialized agencies such as the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) and information provided by, inter alia, the above-mentioned Governments.

58. It appears that although the humanitarian situation remains serious, as a result of resolution 1284 (1999) and the increased price of oil, more money is now available under the oil-for-food programme and a marked improvement has been observed in respect of food and medicines. It also appears that there were improvements in respect of purchases connected with infrastructure, such as water, electricity, sewerage and the repair of the oil production plants. The Special Rapporteur was also informed that the number of contracts on hold has dropped since his last report to the Commission.

59. With respect to the availability of medicaments, the Special Rapporteur received information that the Government of Iraq is directing more medicines to hospitals for the privileged officials and stockpiling medicaments for use in a war emergency. As reported above, the Special Rapporteur was also informed that the ration card system is used by the Government as a means of pressure and intimidation. There is also information to the effect that the Government of Iraq can today afford to spend more money out of its budget on food and medicines rather than on other non-essential projects.

60. These allegations were brought to the attention of the Government during the 16 July meeting, together with the observation that, in respect of medications and food supplies, the situation appeared to be much better in the northern governorates. Another allegation which was received by the Special Rapporteur and related to the Government was that infant and maternal mortality rates were exaggerated by the Government for propaganda purposes.

61. The representatives of Iraq vehemently denied those allegations and referred to mortality and morbidity rates reported by United Nations specialized agencies as well as by the Secretary-General. On the question of the situation in the northern governorates, it was stressed by the Government representative that for political and other reasons that area received considerable international assistance and that imported as well as smuggled goods were available all the time in huge quantities. The Permanent Representative of Iraq also made extensive reference to the long-term effects of the embargo, particularly on health and education.

62. The Special Rapporteur is of the opinion that although the situation has improved, the humanitarian concerns should be kept under constant review and necessary adjustments should continue to be made. In this respect the Special Rapporteur believes that an increase in the number of monitors under the oil-for-food programme would help ensure that the positive effects of the above-mentioned developments reach the totality of the population of Iraq and that imports of goods are used exclusively for approved purposes.

63. The Special Rapporteur is also of the opinion that the Government of Iraq should, in accordance with its obligation under article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, take more steps to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized by that Covenant.

IV. Recommendations

64. Pending further consultation with the Government and verification of the allegations received, as well as further analysis of specific issues, the Special Rapporteur reserves the right to make fuller recommendations in the report to be submitted to the Commission on Human Rights.

65. The Special Rapporteur urges the Government of Iraq to review and revise laws permitting the imposition of the death sentence and, pending the conclusion of such process, to consider a moratorium on executions.

66. The Special Rapporteur, in view of the humanitarian nature of the question of the missing and prisoners of war, calls upon the Government to rejoin the work of the Tripartite Commission and the Technical Subcommittee and to conduct thorough examinations of the individual files submitted by the Government of Kuwait.

67. The Special Rapporteur urges the Government of Iraq to put an end to the harassment of families of people engaged in opposition activities abroad as well as to practices against the families of wanted or arrested Iraqi citizens and the widows and children of those executed.

68. The Special Rapporteur calls upon the Government of Iraq to ensure that no forced relocations of any citizens takes place and that all submitted allegations to the contrary be investigated and the results presented to the Special Rapporteur.

69. The Special Rapporteur urges the Government of Iraq to put an end to unlawful practices of arrest and torture and to consider becoming a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

70. The Special Rapporteur invites the Government of Iraq to begin introducing democratic and political freedoms in accordance with its obligations under the International Covenant on Civil and Political Rights.

71. The Special Rapporteur urges the Government of Iraq to accept and comply with the terms of all Security Council resolutions and in particular resolution 1284 (1999), in order that it might alleviate the suffering of the Iraqi people.

72. The Special Rapporteur wishes to reiterate what he stated at the last session of the Commission on Human Rights: nothing can justify serious violations of human rights and fundamental freedoms.